

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

TERRI TOMLINSON,)	
)	
PLAINTIFF,)	
)	
vs.)	CASE No. 08-CV-259-TCK-FHM
)	
COMBINED UNDERWRITERS LIFE)	
INSURANCE COMPANY; CITIZENS)	
INC; THE CITIZENS, INC. FINANCIAL)	
GROUP; CITIZENS INSURANCE)	
COMPANY OF AMERICA;)	
CITIZENS NATIONAL LIFE)	
INSURANCE COMPANY; TEXAS)	
INTERNATIONAL LIFE INSURANCE)	
COMPANY; and ACTUARIAL)	
MANAGEMENT RESOURCES, INC.,)	
)	
DEFENDANT.)	

OPINION AND ORDER

This case relates to a Cancer/Dread Disease insurance policy issued by Defendants to Plaintiff. No depositions have been taken in the case despite attempts by the attorneys to agree on a schedule for the depositions of Plaintiff and the claims representatives. When agreement was not reached, Plaintiff served a Fed.R.Civ.P. 30(b)(6) notice on Defendant Texas International Life Insurance Company. The notice purports to schedule the deposition in Tulsa although the company is headquartered in Texas, requires the production of documents without complying with Fed.R.Civ.P. 34 and includes a comprehensive list of matters for examination.

Defendant's Motion for Protective Order and Motion to Quash [Dkt. 17] relating to the 30(b)(6) deposition has been fully briefed on an expedited basis and is ripe for decision. The motion invites the Court to rule on the propriety of the 30(b)(6) notice

including the matters for examination set forth in the deposition notice. The Court, however, concludes that the better course is to exercise its control over discovery and require the parties to first conduct the depositions of the claims representatives and the Plaintiff. That was the parties' original plan for discovery and the Court concludes it will be the most efficient use of resources.

It is, therefore, ORDERED that Defendant Texas International Life Insurance Company's Motion for Protective Order and Motion to Quash [Dkt. 17] is GRANTED without prejudice to Plaintiff conducting a more focused 30(b)(6) deposition after the depositions of the claims representatives and the Plaintiff. It is further ordered that Defendant Texas International Life Insurance Company shall make the claims representatives, Cartwright and Ortiz, available for deposition at their usual place of business at a mutually agreeable time within 30 days of the date of this Opinion and Order, without the need for Plaintiff to subpoena those witnesses. Plaintiff shall be available for deposition at a mutually agreeable time within two weeks after the depositions of Cartwright and Ortiz. Thereafter, Plaintiff may notice Defendant for a more focused 30(b)(6) deposition.

SO ORDERED this 11th day of August, 2008.


FRANK H. MCCARTHY
UNITED STATES MAGISTRATE JUDGE